

08/485,070



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/485,070	06/07/95	GETREUER	K 37436.D-1

ROBERT T BRAUN
DISCOVISION ASSOCIATES
PO BOX 19616
IRVINE CA 92713

LM51/0415

EXAMINER

DINH, T

ART UNIT	PAPER NUMBER
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2752

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DATE MAILED: 04/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*See the letter
attached herein*

Tan Dinh
TAN DINH
PRIMARY EXAMINER

Art Unit: 2752

- 1) The request for substitute specification filed on 12/19/97 is acknowledged and has been entered in the file.
- 2) The amendment filed on 12/19/97 is acknowledged. Applicant cancel claim 1 and adds new claims 17-36. However, this amendment can not be entered because:

- a) As indicated in previously Office action (Paper No. 12, paragraph (3) that this application is in condition for allowance except for some formal matters and the Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

By cancel allowable claim 1 and adding new claims 17-36, as in the amendment, which makes the Examiner must reopening the prosecution of the application and this act is totally against the previously Office action.

- b) Applicant states that this application filed under 37 CFR 1.60 as a Divisional Application based on S/N 08/420,899, now is US 5,677,899 which is substantially the same as claim 1 of the instant application, a double patenting could be an issue, and applicant requests for canceling claim 1, adding new claims 17-36 and reopen the prosecution. This is not found to be persuasive.

First, applicant just acts on his/her own by canceling claim 1, adding new claims 17-36 and given a reasons of possible double

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patenting. However, this is not the fact since the Examiner never issues a double patenting rejection in his Office action.

Second, after review the claims in S/N 08/420,899 (US 5,677,899) and claim 1 in this particular application, Examiner can not see any reasons for a double patenting rejection.

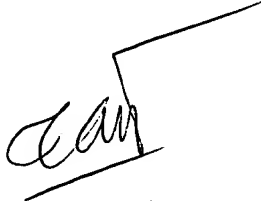
Therefore, the indication of cancel claim 1 and adding new claims 17-36 in response to the Ex Part Quayle Office action are totally improper.

Applicant is given a short statutory period of 30 days for response to this communication.

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN DINH whose telephone number is (703)308-4859. The examiner can normally be reached on 8:00AM - 5:30PM from MONDAY to FRIDAY.

The fax phone number for the organization where this application or proceeding is assigned is (703)308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


TAN DINH
PRIMARY EXAMINER

April 14, 1998